IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 21127 of 2006(M)

AGAINST THE ORDER IN EA 169/06 IN EP 145/05 IN OS.135/2001 of MUNSIFF COURT, NADAPURAM

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PETITIONER:

K.K.ABDULLA, S/O.POCKER,
KIZHAKKAYIL HOUSE, (KAKKATT),
KUMMAMKODE AMSOM, NADAPURAM DESOM,
VATAKARA TALUK.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS:

K.K.ABDULLA S/O.MOIDEEN,
KOYILOTHKANDIYIL, VELLIYODE AMSOM,
BHOOMIVATHUKKAL DESOM, VATAKARA TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the affidavit and petition filed by petitioner before the Munsiff Court, Nadapuram No.O.S.135/01 in E.P. 145/05 dated 1.7.2006.

Ext.P2: Photocopy of the order in E.A.169/06 in E.P.145/05 in O.S.135/01 of Munsiff Court, Nadapuram dated 3.7.2006.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.21127 OF 2006

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Dated this the 12th day of February 2007

JUDGMENT

The petitioner is the judgment debtor in O.S.135 of 2001 on the file of the Munsiff's Court, Nadapuram. Though notice is served on the respondent, he has not entered appearance.

2. It is submitted by the counsel for the petitioner that an amount of Rs.7,500/- was already paid from out of E.P. amount pursuant to the order of this court dated 9.8.2006 and the balance can be paid in two monthly instalments and the confirmation of the sale conducted already may please be stayed in the meanwhile. The petitioner offers to pay or deposit an amount of Rs.15,000/- in the court below, positively on or before 12.3.2007 and the entire balance on or before 12.4.2007. If any amount offered is not deposited, the execution court can proceed with execution. In the first instance, the confirmation of the sale shall stand adjourned to 13-3-2007 and in case the first instalment Rs.15,000/- is paid on or before 12.3.2007 the confirmation of sale shall stand adjourned to 12.4.2007. If the

entire amount is paid as offered, the Execution Court after verification of the same can dispose of the E.P. setting aside the sale and recording full satisfaction of the decree.

This writ petition is disposed of with the above direction.

K.P.BALACHANDRAN, JUDGE

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